



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                   | CONFIRMATION NO.   |
|---|-------------|----------------------|---------------------------------------|--------------------|
| 10/030,474  | 02/20/2002  | Jorn Leiber          | 35-224                                | 8423               |
| 23117   | 7590        | 04/21/2004           |                                       |                    |
| NIXON & VANDERHYE, PC<br>1100 N GLEBE ROAD<br>8TH FLOOR<br>ARLINGTON, VA 22201-4714 |             |                      |                                       |                    |
|   |             |                      | EXAMINER<br>KLIMOWICZ, WILLIAM JOSEPH |                    |
|   |             |                      | ART UNIT<br>2652                      | PAPER NUMBER<br>12 |

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

|                                 |             |   |                     |
|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

|          |
|----------|
| EXAMINER |
|----------|

|          |       |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

12

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

See enclosed attachments.

*WJK*

William J. Klimowicz  
Primary Examiner  
Art Unit: 2652

***Non-Responsive Reply by Applicant***

The reply filed on March 8, 2004 (Paper No. 8) is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicants failed to point out the specific distinctions believed to render, *inter alia*, claims 10 and 11 patentable over the references by presenting arguments in support of the new claims. See 37 CFR 1.111 and M.P.E.P § 714.02. On page 12 of the Applicants' response, the Applicants state, "[c]laims 10 and 11 each depend from claim 1 and are believed to be allowable for at least the reasons advanced with respect to claim 1."

The Examiner respectfully disagrees with the Applicants' assertion that claim 1 is allowable and further notes that claim 1 has not been amended.

The Applicants have failed to show how the claims 10 and 11, (assuming claim 1 is not found allowable) define over the art of record. Since the above-mentioned reply appears to be *bona fide*, Applicants are given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

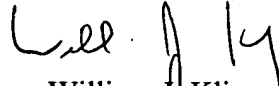
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

Art Unit: 2652

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2652

WJK